

ATTORNEY DOCKET NO.: 97661.00013

## Declaration, Power of Attorney, and Petition

As a ~~joint~~ named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name,

I believe I am an original joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### HEAT ABSORBING TEMPERATURE CONTROL DEVICES AND METHOD

**RECEIVED**

the specification of which (*check one*)

DEC 09 2005

☐ is attached hereto; or

**OFFICE OF PETITIONS**

☒ was filed on April 10, 2000 as Application Serial No. 09/546,361 and issued on July 24, 2001 as U.S. Patent No. 6,264,854 ; or

#### PCT FILED APPLICATION ENTERING NATIONAL STAGE

☐ was described and claimed in International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and as amended on \_\_\_\_\_ (if applicable).

I hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above, and that it contains a full, clear, concise and exact description of the subject matter for which a patent is sought.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

### Prior Application(s)

☐ (Check if applicable) I hereby claim foreign priority benefits under Title 35, United States Code § 119, by checking the box(es) below, any foreign application(s) for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

#### Prior Foreign Application(s)

Priority Claimed?

(Number)	(Country)	Day/month/year filed
(Number)	(Country)	Day/month/year filed

<input type="checkbox"/>	<input type="checkbox"/>
Yes	No
<input type="checkbox"/>	<input type="checkbox"/>
Yes	No

☒ I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

Prior Provisional Application(s):

60/003,387

September 7, 1995

(Application Number):

(Filing Date):

(Application Number)

(Filing Date)

(Application Number)

(Filing Date)

(Note: When the nonprovisional application is entitled to an earlier U.S. effective filing date of one or more provisional applications under Title 35, United States Code § 119(e), a statement such as "This application claims the benefit of U.S. Provisional Application No. \_\_\_\_\_, filed \_\_\_\_\_, and U.S. Provisional Application No. \_\_\_\_\_, filed \_\_\_\_\_." should appear as the first sentence of the description. In view of this requirement, the right to rely on a prior application may be waived or refused by an applicant by refraining from inserting a reference to the prior application in the specification of the later one.)

☒ (Check if applicable) I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I/we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. Application(s)

08/709,516

September 6, 1996

abandoned

(Application Serial No.)

(Filing Date)

Status (Patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

Status (Patented, pending, abandoned)

☐ (Check if applicable) I hereby authorize the U.S. attorneys or agents named herein to accept and follow instructions from \_\_\_\_\_ as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys or agents named herein and ourselves. In the event of a change, we will notify in writing the U.S. attorney or agent named herein.

☐ (Check if applicable) In this continuation-in-part application, insofar as the subject matter of any of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

I hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the attorneys whose names are associated with United States Patent and Trademark Office Customer Number 21832:

Bar Code Above

Joseph Agostino, Reg. No. 51,191  
Eric E. Bleich, Reg. No. 47,430  
Raymond Cappel, Reg. No. 53,836  
Sanjiv M. Chokshi, Reg. No. 44,080  
Samuel J. DuBoff, Reg. No. 25, 969  
Mark D. Giarratana, Reg. No. 32,615  
Eric E. Grondahl, Reg. No. 46,741  
John K. Kim, Reg. No. 37,002

Troy J. LaMontagne, Reg. No. 47,239  
James J. Merrick, Reg. No. 43,801  
Basam E. Nabulsi, Reg. No. 31,645  
Ralph W. Selitto, Jr., Reg. No. 26,996  
William Smith, Reg. No. 46,459  
Paul F. Swift, Reg. No. 34,938  
Seth M. Wilson, Reg. No. 45,228  
Bryan Zerhusen, Reg. No. 54,566

all of the firm of McCARTER & ENGLISH, LLP, whose address is CityPlace I, 185 Asylum Street, Hartford, CT 06103 and as our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please address all written correspondence to the following address:

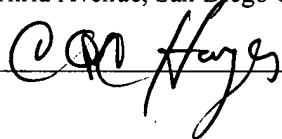
McCARTER & ENGLISH, LLP  
Attn.: Angelica Brooks  
CityPlace I  
185 Asylum Street  
Hartford, CT 06103

Telephone Calls should be directed to **Basam E. Nabulsi**, by dialing (203) 965-0601.

Wherefore I pray that Letters Patent be granted to us for the invention or discovery described and claimed in the foregoing specification and claims, and we hereby subscribe our names to the foregoing specification and claims, declaration, power of attorney, and this petition.

**Full name of first inventor: Claude Q.C. Hayes**  
Residence: 3737 Thrid Avenue, San Diego CA 92103  
Citizenship: USA  
Post Office Address: 3737 Thrid Avenue, San Diego CA 92103

First Inventor's signature



Date

